

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Gerald (Jerry) Bennett, on February 11, 2015 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Gerald (Jerry) Bennett, Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Alan Doane, Vice Chair (R)
Rep. Seth Berglee (R)
Rep. Jennifer Eck (D)
Rep. Clayton Fiscus (R)
Rep. Stephanie Hess (R)
Rep. Ellie Boldman Hill (D)
Rep. Kathy Kelker (D)
Rep. Margaret (Margie) MacDonald (D)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. G. Bruce Meyers (R)
Rep. Matthew Monforton (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Zac Perry (D)
Rep. Andrew Person (D)
Rep. Randall Pinocci (R)
Rep. Kirk Wagoner (R)

Members Excused: Rep. Sarah Laszloffy (R)
Rep. Keith Regier (R)

Members Absent: None

Staff Present: McKenzie Chambers, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 298, 2/4/2015; HB 320, 2/4/2015; HB 371, 2/4/2015
Executive Action: HB 219, HB 255, HB 272, HB 309, HB 315, HB 365, HJ 4

00:01:12 Chair J. Bennett

HEARING ON HB 371

Opening Statement by Sponsor:

00:01:58 Rep. Kerry White (R), HD 64, opened the hearing on HB 371, Generally revise concealed weapon laws.

Proponents' Testimony:

00:03:35 Gary Marbut, Montana Shooting Sports Association (MSSA)
00:08:47 Doug Nulle, Self
00:09:50 Garrett Bacon, Self
00:10:34 Alan Wright, Self
00:11:08 Rudolph Tankink, Self

Opponents' Testimony:

00:11:58 Brad Griffin, Montana Restaurant Association (MTRA)
00:12:38 Lance Melton, Montana School Boards Association (MTSBA)
00:13:00 Rep. Regier joined the meeting.
00:13:52 John MacDonald, City of Missoula
00:18:57 JC Weingartner, MEA-MFT
00:21:47 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

EXHIBIT(juh31a01)

00:29:26 Aimee Grmoljez, Montana Bankers Association (MBA) and Billings Clinic
00:32:29 Donya Parrish, Montana Credit Union Network (MCUN)
00:34:16 Tim Ravndal, Self
00:36:52 Pamela Owen, Moms Demand Action
00:39:31 Nancy de Pastino, Montana Chapter of Moms Demand Action
00:40:53 Mark Murphy, Montana Association of Chiefs of Police (MACOP) and Montana Police Protective Association (MPPA)
00:43:55 John McDaniel, Self
00:46:49 Nell McDaniel, Montana Chapter of Moms Demand Action
00:47:29 Kim Abbott, Montana Human Rights Network (MHRN)
00:47:53 Robin Turner, Montana Coalition Against Domestic & Sexual Violence (MCADSV)

Informational Testimony: None

Questions from Committee Members and Responses:

00:48:29 Rep. Hess
00:48:57 Gary Marbut, MSSA
00:49:21 Rep. Hess
00:49:31 Gary Marbut, MSSA
00:49:37 Rep. MacDonald
00:50:05 Brad Griffin, MTRA
00:50:17 Rep. MacDonald
00:50:54 Jim Smith, MSPOA

Closing by Sponsor:

00:52:11 Rep. White

HEARING ON HB 298**Opening Statement by Sponsor:**

00:55:49 Rep. Bill Harris (R), HD 29, opened the hearing on HB 298, Generally revise concealed weapons laws.

EXHIBIT(juh31a02)

Proponents' Testimony:

01:00:01 Gary Marbut, Montana Shooting Sports Association (MSSA)
01:04:45 Doug Nulle, Self
01:07:49 Rep. Garner, HD 7
01:13:16 Rudolph Tankink, Self
01:14:43 Tim Ravndal, Self

Opponents' Testimony:

01:15:50 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)
01:19:58 Jamie McConnell, Montana Chapter of Moms Demand Action
01:21:52 Jerry Williams, Montana Police Protective Association (MPPA)
01:23:34 Rep. Laszloffy joined the meeting.
01:25:21 Nell McDaniel, Self
01:27:21 John McDaniel, Self
01:30:52 Pamela Owen, Montana Chapter of Moms Demand Action
01:32:50 Nancy de Pastino, Moms Demand Action
01:34:50 Kim Abbott, Montana Human Rights Network (MHRN)
01:35:23 Robin Turner, Montana Coalition Against Domestic & Sexual Violence (MCADSV)

Informational Testimony: None

Questions from Committee Members and Responses:

01:35:49 Rep. Pinocci
01:36:28 Gary Marbut, MSSA
01:38:18 Rep. Person
01:38:54 Rep. Harris
01:39:41 Rep. Person
01:39:49 Rep. Harris
01:40:08 Rep. McConnell
01:40:19 Chair J. Bennett
01:40:23 Rep. McConnell
01:40:47 Rep. Harris
01:43:26 Rep. MacDonald
01:44:07 Nancy de Pastino, Moms Demand Action
01:44:09 Rep. MacDonald
01:44:48 Nancy de Pastino, Moms Demand Action

Closing by Sponsor:

01:45:48 Rep. Harris

01:48:16 Chair J. Bennett
01:48:30 Recess
02:00:14 Reconvened
02:00:15 Chair J. Bennett

HEARING ON HB 320

Opening Statement by Sponsor:

02:05:03 Rep. Carl Glimm (R), HD 6, opened the hearing on HB 320, Revise laws regarding firearms on school grounds.

Proponents' Testimony:

02:07:43 Gary Marbut, Montana Shooting Sports Association (MSSA)
[EXHIBIT\(juh31a03\)](#)
02:14:13 Doug Nulle, Self
02:19:19 Tim Ravndal, Self
02:20:41 Allan Wright, Self
02:22:01 Rudolph Tankink, Self

Opponents' Testimony:

02:22:49 Steve York, Assistant Superintendent, Educational Services, Office of Public Instruction (OPI) at the request of Superintendent Juneau
[EXHIBIT\(juh31a04\)](#)
[EXHIBIT\(juh31a05\)](#)
02:30:03 Lance Melton, Montana School Boards Association (MTSBA)
02:35:21 Kirk Miller, School Administrators of Montana (SAM)
02:45:04 Jim Smith, Montana Rural Education Association (MREA)
02:47:35 JC Weingartner, MEA-MFT
02:49:13 Lyle Mitchell, Self

Informational Testimony: None

Questions from Committee Members and Responses:

02:50:31 Rep. Regier
02:50:55 Steve York, OPI
02:51:06 Rep. Regier
02:51:22 Steve York, OPI
02:52:06 Rep. Regier
02:52:22 Steve York, OPI
02:53:02 Rep. Regier
02:53:34 Steve York, OPI
02:55:15 Rep. Kelker
02:56:29 Kirk Miller, SAM
02:57:01 Rep. Regier left the meeting.
02:57:23 Rep. Kelker
02:57:39 Lance Melton, MTSBA
02:58:33 Rep. Meyers
02:59:51 Doug Nulle, Self

03:01:01 Rep. Meyers
03:01:18 Doug Nulle, Self
03:01:45 Rep. Fiscus
03:02:55 Kirk Miller, SAM
03:03:12 Rep. Fiscus
03:03:23 Kirk Miller, SAM
03:03:56 Rep. Fiscus
03:04:17 Kirk Miller, SAM
03:04:26 Rep. Doane
03:04:37 Chair J. Bennett
03:04:46 Rep. Doane
03:05:15 Lance Melton, MTSBA
03:06:48 Rep. Doane
03:07:10 Lance Melton, MTSBA
03:08:21 Rep. Manzella
03:08:57 Gary Marbut, MSSA
03:09:27 Rep. Manzella
03:09:39 Gary Marbut, MSSA
03:09:51 Rep. Manzella
03:10:12 Gary Marbut, MSSA

Closing by Sponsor:

03:11:10 Rep. Glimm

03:11:47 Chair J. Bennett

03:12:21 Recess
03:19:18 Reconvened

03:19:26 Chair J. Bennett

EXECUTIVE ACTION ON HB 219

03:21:10 **Motion:** Rep. Doane moved that **HB 219 DO PASS.**

Discussion:

03:21:16 Helen Thigpen, Legislative Services Division (LSD)
EXHIBIT(juh31a06)

03:21:55 **Motion:** Rep. Doane moved that **HB 219 BE AMENDED.**

Discussion:

03:22:08 Helen Thigpen, LSD
03:22:49 Rep. Hill
03:23:09 Helen Thigpen, LSD
03:23:23 Rep. Eck
03:23:49 Helen Thigpen, LSD
03:24:15 Rep. Wagoner
03:24:58 Rep. MacDonald

03:25:25 Rep. Court
 03:26:06 Rep. McConnell
 03:26:58 Chair J. Bennett
 03:27:13 Rep. McConnell
 03:27:26 Rep. Wagoner
 03:28:31 Rep. Pease-Lopez left the meeting.
 03:28:48 Rep. MacDonald
 03:29:49 Helen Thigpen, LSD
 03:30:18 Rep. MacDonald
 03:30:47 Helen Thigpen, LSD
 03:31:22 Rep. MacDonald
 03:31:35 Helen Thigpen, LSD
 03:31:43 Rep. Court
 03:31:56 Rep. Wagoner
 03:33:00 Rep. Court
 03:33:31 Rep. MacDonald
 03:34:10 Rep. Wagoner
 03:34:41 Chair J. Bennett
 03:34:49 Helen Thigpen, LSD
 03:35:47 Chair J. Bennett

03:35:56 **Vote:** Motion carried 16-5 by roll call vote with Rep. Court, Rep. Kelker, Rep. MacDonald, Rep. Pease-Lopez and Rep. Person voting no. Rep. Pease-Lopez and Rep. Regier voted by proxy.

03:36:51 **Motion:** Rep. Doane moved that **HB 219 DO PASS AS AMENDED.**

Discussion:

03:36:59 Rep. Hill
 03:37:37 Rep. MacDonald

03:39:46 **Vote:** Motion carried 14-7 by roll call vote with Rep. J. Bennett, Rep. Court, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. Pease-Lopez and Rep. Person voting no. Rep. Pease-Lopez and Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HB 255

03:40:55 **Motion:** Rep. Doane moved that **HB 255 DO PASS.**

Discussion:

03:41:02 Helen Thigpen, LSD

EXHIBIT(juh31a07)

03:41:41 **Motion:** Rep. Doane moved that **HB 255 BE AMENDED.**

Discussion:

03:41:54 Rep. Monforton
 03:44:16 Rep. Hill
 03:44:20 Rep. McConnell
 03:44:43 Rep. Monforton
 03:45:18 Rep. McConnell
 03:45:28 Rep. Monforton

03:45:37 **Vote:** Motion carried 13-8 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Person and Rep. Pinocci voting no. Rep. Pease-Lopez and Rep. Regier voted by proxy.

03:46:47 **Motion:** Rep. Doane moved that **HB 255 DO PASS AS AMENDED.**

Discussion:

03:47:25 Rep. Person
 03:48:37 Rep. Hess
 03:49:16 Rep. Meyers
 03:49:38 Rep. Monforton

03:50:15 **Vote:** Motion failed 9-12 by roll call vote with Rep. J. Bennett, Rep. Berglee, Rep. Doane, Rep. Fiscus, Rep. Laszloffy, Rep. Manzella, Rep. Meyers, Rep. Monforton and Rep. Regier voting aye. Rep. Pease-Lopez and Rep. Regier voted by proxy.

03:51:15 **Motion/Vote:** Rep. Doane moved that **HB 255 BE TABLED.** Motion carried unanimously by voice vote. Rep. Pease-Lopez and Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HB 272

03:51:48 **Motion:** Rep. Doane moved that **HB 272 DO PASS.**

Discussion:

03:51:53 Helen Thigpen, LSD
 03:52:33 Rep. Hill
 03:52:41 Rep. Pease-Lopez rejoined the meeting.
 03:53:20 Rep. Monforton
 03:53:55 Rep. Eck
 03:54:15 Rep. Fiscus
 03:55:16 Chair J. Bennett

03:55:21 **Vote:** Motion carried 15-6 by roll call vote with Rep. J. Bennett, Rep. Doane, Rep. Fiscus, Rep. Laszloffy, Rep. Pinocci and Rep. Regier voting no. Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HB 309

03:56:27 **Motion:** Rep. Doane moved that **HB 309 DO PASS.**

03:56:48 **Motion:** Rep. Doane moved that **HB 309 BE AMENDED.**
EXHIBIT(juh31a08)

Discussion:

03:57:03 Rep. Kelker

03:58:46 Rep. Wagoner

03:59:06 **Vote:** Motion carried 19-2 by roll call vote with Rep. Doane and Rep. Regier voting no. Rep. Regier voted by proxy.

03:59:54 **Motion:** Rep. Doane moved that **HB 309 DO PASS AS AMENDED.**

Discussion:

04:00:04 Rep. Kelker

04:01:02 Rep. Eck

04:01:47 **Vote:** Motion failed 10-11 by roll call vote with Rep. Court, Rep. Eck, Rep. Hess, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting aye. Rep. Regier voted by proxy.

04:02:59 **Motion/Vote:** Rep. Doane moved that **HB 309 BE TABLED.** Motion carried 20-0 by voice vote. Rep. Regier was excused.

04:03:08 Rep. Hill

EXECUTIVE ACTION ON HB 315

04:03:59 **Motion:** Rep. Doane moved that **HB 315 DO PASS.**

Discussion:

04:04:12 Helen Thigpen, LSD

04:04:35 Rep. MacDonald

04:06:15 **Vote:** Motion carried 12-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Regier voted by proxy.

04:07:10 Chair J. Bennett

EXECUTIVE ACTION ON HJ 4

04:07:22 **Motion:** Rep. Doane moved that **HJ 4 DO PASS.**

Discussion:

04:07:33 Rep. Monforton

04:07:49 **Vote:** Motion carried 12-9 by roll call vote with Rep. Bennett, Rep. Court, Rep. Doane, Rep. Eck, Rep. Kelker, Rep. MacDonald, Rep. Manzella, Rep. McConnell and Rep. Pease-Lopez voting no. Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HB 365

04:08:55 **Motion/Vote:** Rep. Doane moved that **HB 365 BE TABLED.** Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

04:09:49 Chair J. Bennett

04:09:54 Rep. Hess

04:10:04 Chair J. Bennett

ADJOURNMENT

Adjournment: 04:10:41

McKenzie Chambers, Secretary

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Additional Documents:

EXHIBIT([juh31aad.pdf](#))